

Remarks

Claims 9, 10, 12, and 16-18 are currently pending in this application, with claims 11 and 13-15 being canceled by this Amendment.

The Office Action rejected claims 9 and 10 under 35 U.S.C. § 103(a) as being unpatentable over Jones et al. (U.S. Patent No. 6,657,950) in view of Belotserkovsky et al. (U.S. Patent No. 6,628,735); rejected claim 17 under 35 U.S.C. § 102(e) as being anticipated by Van Nee (U.S. Patent No. 6,175,550); rejected claims 11-16 under 35 U.S.C. § 112, second paragraph, as indefinite; rejected claims 17 and 18 under 35 U.S.C. § 112, second paragraph, for omitting essential steps; and rejected claim 18 under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement.

By this Amendment, Applicant has canceled claims 11 and 13-15 and amended the remaining claims to render the Section 112 rejections moot. Applicant also notes that claims 11-16 and 18 were not rejected over the prior art of record. Applicant, therefore, incorporated the recitations of claims 11 and 15 into independent claim 9. In light of this, Applicant respectfully requests reconsideration and withdrawal of the prior art and Section 112 rejections of the pending claims.

Applicant respectfully requests that this Amendment under 37 C.F.R. § 1.116 be entered, placing claims 9, 10, 12, and 16-18 in condition for allowance. Applicant submits that the proposed amendments of claims 9, 10, 12, and 16-18 do not raise new issues or necessitate the undertaking of any additional search of the art, since all of the elements and their relationships claimed were either earlier claimed or inherent in the claims as examined. Therefore, this Amendment should allow for immediate action.

Furthermore, Applicant respectfully point out that the final action presented some new

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arguments as to the application of the art against Applicant's invention. It is respectfully submitted that the entering of the Amendment would allow the Applicant to reply to the final rejections and place the application in condition for allowance.

Finally, Applicant submits that the entry of the amendment would place the application in better form for appeal, should the patentability of the pending claims still be disputed.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 03-2775. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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